

Message Text

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ORIGIN IO-13

INFO OCT-01 ARA-06 ISO-00 L-03 DHA-02 TRSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 AF-08 EA-07 EUR-12 NEA-10 AID-05

IGA-02 EB-07 OMB-01 LAB-04 SIL-01 CU-02 /127 R

DRAFTED BY IO/HR:WEHEWITT:BKM

APPROVED BY IO:JABAKER

ARA/LA/BC:RDRISCOLL

L/UNA:DSTEWART

L/HR:CRUNYON

D/HA:KHILL

ARA:HWSHLAUDEMAN

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P R 162315Z OCT 76

FM SECSTATE WASHDC

TO AMEMBASSY SANTIAGO PRIORITY

INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 257200

E.O. 11652:GDS

TAGS: UNGA, SHUM, CI

SUBJECT:UN GENERAL ASSEMBLY CONSIDERATION OF HUMAN RIGHTS
IN CHILE

REF: (A) SANTIAGO 9683, (B) SANTIAGO 9892, (C) USUN 4371

1. IN REPLY TO EMBASSY'S QUERY PARA. 5 REF. (A), THERE
APPEAR AT END OF THIS MESSAGE OPERATIVE PARAGRAPHS OF
RESOLUTION ON CHILE AS REPORTED TO THE DEPT., ADOPTED BY
SUBCOMMISSION AUGUST 31. DEPT HAS NOT RECEIVED FINAL
REPORT OF SUBCOMMISSION AND RESOLUTION TEXT PROBABLY
CONTAINS MINOR EDITORIAL DIFFERENCES FROM FINAL VERSION.
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RESOLUTION WAS PROPOSED BY SUBCOMMISSION EXPERT MEMBERS

FROM TUNISIA, NETHERLANDS, ITALY, YUGOSLAVIA, NIGERIA, THAILAND, KENYA, MEXICO, AUSTRIA, IRAQ, PAKISTAN, FRANCE, INDIA, USSR AND UK. RESOLUTION WAS ADOPTED BY A VOTE OF 15-2 (EXPERTS FROM COSTA RICA AND NICARAGUA)-0.

2. FULL TEXT OF DRAFT RES, TOGETHER WITH SUBCOMMISSION DISCUSSION AS REPORTED IN GENEVA 6955 BEING POUCHED SANTIAGO.

3. REPORT OF SUBCOMMISSION SESSION WILL BE CONSIDERED AT 33RD REGULAR SESSION OF HUMAN RIGHTS COMMISSION (HRC)

SCHEDULED TO MEET IN GENEVA FEBRUARY-MARCH 1977. SUBCOMMISSION RESOLUTION THEREFORE WILL NOT BE BEFORE 31ST UNGA. IN PARTICULAR, THE OPERATIVE PARAGRAPH INVITING CONSIDERATION OF THE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF VARIOUS FORMS OF AID AND ASSISTANCE BEING GIVEN TO CHILE IS ADDRESSED TO THE HRC AND NOT TO THE GA. OBVIOUSLY, WHILE THE RESOLUTION ITSELF WILL NOT BE BEFORE THE UNGA, THE IDEAS CONTAINED IN IT MAY BE ADVANCED BY ANY UNGA MEMBER WITH RESPECT TO UNGA ACTION ON THE REPORT TO BE PRESENTED TO THE UNGA BY THE AD HOC WORKING GROUP.

4. ADVANCE COPY OF REPORT OF HRC AD HOC WORKING GROUP POUCHED BY USUN (REFTEL C) JUST RECEIVED. DEPT NOT IN A POSITION TO COMMENT IN DETAIL ON VIEWS EXPRESSED BY VALDES IN REF. (B) UNTIL REPORT HAS BEEN CAREFULLY STUDIED. RE EMBASSY'S COMMENT PARA 6 REF. (B) ON JUSTIFICATION FOR UN ECONOMIC SANCTIONS IN RELATION TO SERIOUS HUMAN RIGHTS ABUSES IN CHILE, UN CHARTER RESERVES TO SECURITY COUNCIL RIGHT TO DETERMINE WHETHER A SITUATION QUALIFIES FOR CHAPTER VII MEASURES AND TO DECIDE WHAT MEASURES SHALL BE TAKEN. IN THE PAST, DEPT HAS NORMALLY OPPOSED GA RECOMMENDATIONS FOR MANDATORY ECONOMIC SANCTIONS UNLESS DEPT CONSIDERS SITUATION QUALIFIES FOR DETERMINATION UNDER ARTICLE 39 AND MEASURES PROPOSED WOULD BE PROPER UNDER ARTICLE 41. WE WOULD THEREFORE NOT RPT NOT EXPECT TO SUPPORT IN UNGA ANY PROPOSAL CALLING FOR MANDATORY ECONOMIC SANCTIONS AGAINST CHILE. CHILEAN FM CARVAJAL MADE COMMENT TO THE SECRETARY TO THE EFFECT THAT THE DUTCH

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WERE CONSIDERING INTRODUCING A HUMAN RIGHTS RESOLUTION, INCLUDING ECONOMIC SANCTIONS, ON CHILE IN THE UNGA THIRD COMMITTEE. USUN HAS CHECKED DIRECTLY WITH THE DUTCH WHO DENY ANY PLANS TO INTRODUCE SUCH A RESOLUTION ON CHILE. YOU SHOULD INFORM FOREIGN OFFICE AND PRESENT SUMMARY OF OUR VIEWS ON ECONOMIC SANCTIONS AS DESCRIBED ABOVE. EMBASSY SHOULD EXPRESS CAVEAT THAT OUR FURTHER REACTION TO DETAILS OF REPORT OF AD HOC WORKING GROUP MUST AWAIT OUR

STUDY OF IT.

5. RE EMBASSY'S CONCERN THAT CHILE SITUATION MUST NOT RECEIVE TREATMENT DISSIMILAR TO THAT OF MANY OTHER STATES WHICH EMBASSY CONSIDERS TO BE GUILTY OF SIMILAR PRACTICES AS THOSE CHARGED TO CHILE, DEPT LOOKS FORWARD TO OPPORTUNITY TO DISCUSS THIS CONCERN WITH AMBASSADOR WHEN HE VISITS DEPARTMENT LATER THIS MONTH.

6. FOLLOWING ARE OPERATIVE PARAGRAPHS OF SUBCOMMISSION RESOLUTION:

QTE.

1. EXPRESSES ONCE AGAIN ITS PROFOUND DISTRESS AT THE CONSTANT, FLAGRANT VIOLATIONS OF HUMAN RIGHTS IN CHILE, INCLUDING THE INSTITUTIONALIZED PRACTICE OF TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, ARBITRARY ARREST AND SUBSEQUENT DISAPPEARANCE, DETENTION AND EXILE;

2. URGES ONCE AGAIN THE CHILEAN AUTHORITIES TO TAKE, WITHOUT DELAY, ALL NECESSARY MEASURES TO RESTORE AND SAFEGUARD HUMAN RIGHTS IN FULL COMPLIANCE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, TO WHICH CHILE IS A PARTY, TO STOP TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT, ARBITRARY ARREST AND SUBSEQUENT DISAPPEARANCES AND PERSECUTION FOR POLITICAL REASONS, AND TO FREE ALL PERSONS STILL DETAINED WITHOUT A CHARGE BROUGHT AGAINST THEM OR ARRESTED FOR POLITICAL REASONS;

3. REQUESTS THE COMMISSION ON HUMAN RIGHTS AT ITS THIRTY-THIRD SESSION, TAKING INTO ACCOUNT THE REPORT OF CONFIDENTIAL

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ITS AD HOC WORKING GROUP, TO TAKE FURTHER STEPS TO PUT AN END TO THE FLAGRANT AND MASS VIOLATIONS OF HUMAN RIGHTS IN CHILE;

4. DEEMS IT ALSO IMPORTANT FOR THE COMMISSION ON HUMAN RIGHTS TO PAY SPECIAL ATTENTION TO THE SERIOUS ABUSES COMMITTED BY THE STATE SECURITY AGENCIES OF CHILE, PARTICULARLY BY THE DINA, OFTEN IN COLLABORATION WITH SIMILAR AGENCIES OF OTHER COUNTRIES;

5. INVITES THE COMMISSION ON HUMAN RIGHTS TO RECOMMEND APPROPRIATE MEASURES REGARDING LEGAL AND HUMANITARIAN AID THAT MAY BE MADE AVAILABLE TO POLITICAL PRISONERS AND OTHER PERSECUTED PERSONS IN CHILE, AS WELL AS MEASURES TO RENDER FINANCIAL SUPPORT AND OTHER RELIEF TO ALLEVIATE

THE SUFFERINGS OF THEIR DEPENDENTS;

6. FURTHER INVITES THE COMMISSION ON HUMAN RIGHTS TO CONSIDER THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF THE VARIOUS FORMS OF AID AND ASSISTANCE BEING GIVEN TO THE CHILEAN REGIME;

7. REQUESTS THE SECRETARY-GENERAL TO INVITE INTERNATIONAL ORGANIZATIONS, INCLUDING IN PARTICULAR ILO, UNESCO, THE WORLD BANK, OAS AND THE INTER-PARLIAMENTARY UNION, TO

INFORM THE COMMISSION ON HUMAN RIGHTS REGARDING THEIR RECENT ACTIVITIES THAT RELATE TO HUMAN RIGHTS IN CHILE, SO THAT THE COMMISSION MAY TAKE SUCH INFORMATION INTO ACCOUNT WHEN DEALING WITH THIS QUESTION AT ITS THIRTY-SECOND SESSION. UNQTE. KISSINGER

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Margaret P. Grafeld
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